

# MOVE IN DIPLOMATS

John G. A. Leishman Is Likely to Get Berlin Post.

O'BRIEN SLATED FOR ROME

Changes Result From Retirement of Ambassador Hill.

COTTON CAUSE OF WORRY

House Republicans All at Sea Until They Know Taft's Attitude on Wool.



JOHN G. A. LEISHMAN.

Within the next few days President Taft is expected to send to the Senate the following nominations in the diplomatic service:

John G. A. Leishman, now ambassador to Italy, G. A. Leishman, as the successor of Dr. David Jayne Hill, recently resigned as the representative of this country at that post.

Thomas J. O'Brien, ambassador to Italy, in place of Mr. Leishman. Mr. O'Brien being the representative of the United States at Tokyo.

O'Brien Wants a Change.

Mr. O'Brien, it is known, has desired a shift from Tokyo, and his friends have urged him for the Berlin embassy. He is said, however, to prefer the embassy at Rome, and as his record in the diplomatic service is one of the best, his wishes would probably be consulted in the shift that has been looked for ever since the announced retirement of Dr. Hill.

Secretary Knox and President Taft are to have a final conference this afternoon or tomorrow as to the nominations. While the Leishman-O'Brien slate is believed today to be practically settled, there is the possibility that Robert Bacon, now ambassador to Turkey, may be sent to Berlin. Mr. Leishman transferred to Paris and Mr. O'Brien to Rome.

Mr. Leishman began his diplomatic career as minister to Switzerland in 1897, going to Turkey in 1900, and remaining there nine years, when he was transferred to Italy. Mr. O'Brien was sent to Denmark in 1905, and minister to that country, and shifted to Japan in 1907.

Hesitating on Cotton Bill.

Anxious republican members of the House are in a funny plight over the cotton bill, to be voted upon by that body Thursday. Representative Payne, ranking republican on the ways and means committee, has been seeking speakers to talk against the bill. He has had hard work in getting promises from republican orators, and some of those who have promised are dubious about whether they should proceed. They would like to know what the President has to say about the bill, and they do not want to be put in the position of attacking the cotton bill and then have the President come along and sign the wool bill, probably the cotton bill, too, if Congress should stay in session long enough for it to pass both houses.

It could be certain the President would veto wool, basing his veto on his tariff commission ideas, they would not hesitate to jump onto the cotton bill, giving their grounds for doing so that the bill, like the wool bill, is a tariff measure. They would guesswork and did not represent scientifically gathered facts. Several of the republican members of the House, the President and tried to get an idea from him as to his purposes, but the President has not been so positive as they would like. In consequence, the cotton bill is being delayed until word from the President is more positive.

The President has not talked to everybody about his intentions to veto wool, but he has talked to a sufficient number of statesmen to leave no doubt of his intentions. If he has to ease the minds of the cotton growers, he is likely to do so by speaking on cotton, he may talk. He has failed to get on to the object of their inquiries, or he might have been more pointed.

Kentucky Gets Marine Band.

Representative Ollie James of Kentucky was a successful leader at the White House today. The big Kentucky member of the House, who is confidently predicted, will soon be senator from that state, asked the President to let the Marine Band keep its engagement to play in Lexington, Ky., next Sunday night and Monday, in connection with the state fair. He said that at that time, despite the fact that the President planned to have the famous band furnish music for the reception to Admiral Togo at the White House Saturday night, as he was counting on the Marine Band for Monday night, when he is to give a state dinner to the distinguished Japanese visitor.

However, Representative James and President Taft, two of the biggest men in Washington, both bearing reputations for uniformity in connection with the compromise, will be hit upon a compromise by which it is expected every one will be made happy—that is, every one's bandmen, who will be obliged to do some rapid traveling over the country.

# TYRANNY OF COURTS

Senator Owen Sees in Them a Menace to Republic.

ARGUES FOR THE RECALL

Would Have Federal Judges Subject to People's Will.

SUPREME BODY NOT SPARED

Attacks Decisions of Higher Tribunal in Recent Trust Cases. Should Not Override Congress.

Criticism of the federal courts and of decisions of the United States Supreme Court marked a speech in the Senate this afternoon by Senator Owen of Oklahoma, in favor of his bill for the judicial recall of justices of the United States Supreme Court and other occupants of the federal benches.

"A judicial oligarchy," he charged, "has been established under the present judicial system."

"The whole court procedure," he remarked, "the manner in which decisions are rendered in the way of obtaining justice, has practically made justice impossible to be obtained in the United States, and it is largely the fault of the judiciary and the striking fact that they are not subject to the power of public opinion."

"They do not even permit free speech in criticism. The bill is easily open to any man who ventures to express an opinion unfavorable to the courts. A trial is denied in such cases, and tyranny is thus exercised by judges on the bench, under color of protecting the bench."

# EMPEROR'S HANDS OFF MOROCCO NEGOTIATIONS

His Return to Berlin Has Not Affected Franco-German Situation.

BERLIN, July 31.—The return of Emperor William to the capital has not affected the Moroccan negotiations, contrary to intimations in the Paris papers that his majesty would change Foreign Minister von Kiderlen-Waechter's policy.

The emperor, according to an official statement today, received a report on the negotiations, but no details concerning the exchanges have been given out.

The Anglo-French reports regarding Togoland and the Kameruns, where it had been said concessions might be made to Germany in exchange for a strip of the French Congo, are unconfirmed.

Took Diplomatic Steps.

It is learned that Germany took diplomatic steps regarding the speech of David Lloyd-George, the British chamberlain, and the English newspaper comment in which the pronouncement was construed as Great Britain's veto of a proposed Franco-German settlement on the basis of a concession to Germany in the French Congo.

The German government requested and received an explanation that Great Britain was disinterested in the situation outside of Morocco. This attitude was later embodied in Premier Asquith's statement in the house of commons. But the German government has been disinterested in the situation outside of Morocco. This attitude was later embodied in Premier Asquith's statement in the house of commons. But the German government has been disinterested in the situation outside of Morocco. This attitude was later embodied in Premier Asquith's statement in the house of commons.

LEPER GIVEN FREEDOM.

Woman Released From Baltimore

Quarantine Goes to New York. BALTIMORE, July 31.—Mrs. Providencia Mascari, the leper, who for more than a year had been kept in a small house on the grounds of the Baltimore quarantine station at the expense of the city, was released about two weeks ago and is now supposed to be in New York city.

Health Commissioner Bosley admitted last night that Mrs. Mascari had been permitted to return to her home in this city and that she was leaving for New York.

While Dr. Bosley would not say the woman was cured, he declared it was his belief that she was, and that she would spread the disease. He had ordered her release because he was assured she would be properly treated in her recovery.

For several weeks prior to her departure for quarantine in May, 1910, Mrs. Mascari was a dangerous and suspicious person, and she attempted several times to commit suicide.

CONDUCTOR KILLS PORTER.

Claims Pullman Negro Employee Attacked Him When Reprimanded.

ATLANTA, Ga., July 31.—The three special troop trains carrying soldiers from Fort Sam Houston, Tex., to Fort Myer passed through here in good order yesterday, but H. L. Robertson, conductor on a Pullman car, a porter dead, and a cook wounded, were left here.

The police are detaining Robertson, who is a resident of San Antonio, Tex., and who is accused of shooting the two negroes. He declared that when he reprimanded them for neglecting their duty they attacked him, and he shot in self defense.

It was stated at Fort Myer today that the troops mentioned in the foregoing dispatch are not expected here until tonight, and that no notices had been received of trouble on the trains.

LOVING CUP FOR GAYNOR.

New Yorkers Will Celebrate the Mayor's Recovery.

NEW YORK, July 31.—Wednesday next week, the anniversary of the date on which James M. Gallagher shot Mayor Gaynor on board the Kaiser Wilhelm, will be celebrated in New York city. The police are detaining Robertson, who is a resident of San Antonio, Tex., and who is accused of shooting the two negroes. He declared that when he reprimanded them for neglecting their duty they attacked him, and he shot in self defense.

Seek to Change Election Date.

HARTFORD, Conn., July 31.—The Connecticut legislature will be asked to change the usual date of election in the state this year because it falls on the same date as Yom Kippur—one of the most important holidays in the Jewish calendar. The legislature will be asked to transfer the fall elections from October 2 to a date a few days earlier or later.

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"They do not even permit free speech in criticism. The bill is easily open to any man who ventures to express an opinion unfavorable to the courts. A trial is denied in such cases, and tyranny is thus exercised by judges on the bench, under color of protecting the bench."

Reference to Labor Case.

Many interpreted the last comment as a reference to the Gompers-Mitchell-Morrison contempt case, although no direct reference was made to it.

The case, which is now before the Supreme Court, is a landmark case in the history of the labor movement. It involves the question of whether the National Labor Relations Board has the power to issue subpoenas to compel the production of documents and testimony from employers.

Senator Owen's speech was a direct attack on the power of the federal judiciary, and he argued that the courts should be subject to the will of the people. He said that the courts had become a "judicial oligarchy" and that they were not subject to the power of public opinion.

A Reflection on Congress.

"To declare unconstitutional an act passed by Congress," he remarked, "is, in effect, to charge the senators and representatives who passed the act on their solemn oaths to observe the Constitution with having violated their oaths of office by passing unconstitutional laws."

"To allow their decisions (laws of Congress) to be set aside by any tribunal not responsible to the people, but to the courts, is a direct attack on the rights of the people, and it is a direct attack on the rights of the people, and it is a direct attack on the rights of the people."

Other Decisions Criticized.

Continuing, as to other decisions: "The interstate commerce act has been emasculated by the Supreme Court. Memoranda of the decisions I hereto attach as an exhibit, demonstrating the manner in which it has been steadily depleted and weakened."

"The Sherman anti-trust law has, by the recent decisions of the Supreme Court, been reduced to a mere scrap of law. The Standard Oil case and in the tobacco trust case, the Supreme Court has destroyed the Sherman law, and it is a direct attack on the rights of the people, and it is a direct attack on the rights of the people."

Dangers of the System.

Senator Owen summed up the danger of the present system of appointing judges for life and the nomination of such persons by artificial subterfuge, sophisticated and unscrupulous political tricks.

Senator Owen pointed out that some of the states have already provided for the recall of the judges, and he said that the federal government should do the same. He said that the federal government should do the same.

LIVING CLOSE TO NATURE.

Proximity to Growing Tobacco Improves Women's Complexion.

WINDSOR LOCKS, Conn., July 31.—A large company of young women from New York, including several actresses, are living in tents on the Sumatra Tobacco Company's plantation on the Suffolk plains here. Wonderful stories are current concerning marvelous complexion transitions which have been wrought by the aroma of green tobacco leaves in conjunction with the sun's rays. The atmosphere of the growing tobacco is said to clear the skin of many imperfections and leave it white and smooth.

GATES CONDITION UNCHANGED.

Still Regarded by His Physicians as Grave.

PARIS, July 31.—Physicians attending John W. Gates said this afternoon that the patient's condition was about the same as it was last night, being still considered grave.

The pneumonia, which has been confined to the left lung since yesterday, when it began to attack the right lung, has not gained any headway, but neither has it receded.

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SUNDAY PEACE AT GLEN ECHO.

# Taft to Lead Party VISITING STATUE SITES

All Suggested Locations for Abraham Lincoln Monument Will Be Inspected.

President Taft is taking such a deep interest in the proposed monument to Abraham Lincoln that he will take this afternoon conduct all the members of the Lincoln memorial commission and the members of the fine arts commission to the various proposed sites for personal investigation and supervision. The party, which will be a large one, will go in the White House automobiles, first taking in the proposed site on the plaza between the Capitol and Union station, next going to the Meridian Hill site, then to the Potomac Park site and later to Arlington cemetery.

The proposed site in Arlington cemetery was given practically no consideration by the fine arts commission, which recommended the Potomac Park site. When the Lincoln commission met at the White House a week ago to pass on the report of the fine arts commission and to begin the work of definitely picking a site, the Lincoln commission suggested the Arlington cemetery site and urged its consideration.

Sent for Arts Commission.

The commission, wishing to consider every possible location before acting, adjourned and sent for the fine arts commission to pass on the Arlington idea.

The fine arts commission responded promptly and within a few days the Lincoln commission met at the White House this afternoon, after which the President will take the members of both bodies to the principal sites that have been proposed so that a clearer understanding of the whole subject may be obtained.

CRAZED NEGRO ON SHIP.

Stabs Five Naval Reserve Sailors Before He Is Overpowered.

BEAUFORT, N. C., July 31.—On board the naval reserve steamer Elfrida last night a negro servant went wild from drink and stabbed three sailors. The officer of the deck ordered the crew to take him dead or alive. Armed with axes the crew knocked him down, broke three of his ribs and cut him in several places. Before he was overpowered he stabbed two other men. The negro was put in jail.

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Copper Company Enjoined.

LANSING, Mich., July 31.—Judge West handed down an opinion this morning granting a temporary injunction to the minority stockholders in the Osceola Mining Company to prevent the so-called copper merger.

Centennial in Chihuahua.

CHIHUAHUA, Mexico, July 31.—All officials of Chihuahua joined yesterday in commemorating the hundredth anniversary of the death of Hidalgo. It was here that the "father of independence" was imprisoned just prior to his execution.

# BERGER BILL PROVIDES PENSIONS FOR THE OLD WITHIN TWENTY DAYS

Measure Expressly Forbids Federal Courts Passing on Question of Validity.

Completing his measure with a radical clause forbidding the United States Supreme Court to pass upon its validity, Victor L. Berger of Wisconsin, the socialist member of the House, today introduced a bill to pension the veterans of industry.

The bill provides for a basic pension of \$4 a week for every man and woman more than sixty years old. "The old working men and working women," declares Berger, "are entitled to a living outside of the poorhouses and without the aid of private charity. If the old parties and the Supreme Court do not realize that the exercise of jurisdiction out of existence, together with the old Constitution."

Precedent for Inhibition.

Referring to a precedent established by Congress March 27, 1888, Berger's bill provides that "the exercise of jurisdiction by any of the federal courts upon the validity of this act is hereby expressly forbidden."

It is the belief of the socialist representative that his old-age pension bill is perfectly constitutional. "But some of the capitalist Supreme Court justices may hold different opinions," says Berger. "The bill turns a good opportunity for testing the power of the federal courts to annul necessary legislation passed by Congress."

A Measure of Economy.

In his statement, Mr. Berger points out the fact that old-age pension laws have been passed in the principal nations of Europe, in the antipodes and even in one American nation.

He asserts that through a thousand complex ways the country spends a greater amount to relieve the destitution of the aged than what his bill asks. "It is time now," he says, "that we met the problem in a scientific and economical way."

Many Decisions Quoted.

In filing his application Mr. Derrington quoted decisions in more than a dozen cases in support of the prosecuting committee's contention that the right of the court to propound interrogatories is unquestionable. Mr. Ralston petitioned that the pleas made by respondents in answer be not ignored; that they should properly be disposed of and that the prosecuting committee's latest motion was in proper and out of order. He stated the respondents were ready to swear to the answers on file and quoted from various decisions to show that contempt of court proceedings cannot be tried twice for a specific criminal offense.

Painter Abbey Dying.

Brief Message From London Received by Brother in Philadelphia.

PHILADELPHIA, July 31.—A cablegram received today by his brother, William Abbey, states that Edwin A. Abbey, the American painter, is dying in London. The message, which was sent from London yesterday, contained by two words, "Ed dying."

William Abbey, who is a resident of Mount Holly, N. J., but in business in Philadelphia, said today that his brother had been ailing for some time.

Head Nearly Severed.

Eighty-Year-Old Widow Found Murdered in Her Bedroom.

NEW YORK, July 31.—Her head nearly severed from her body, Mrs. Rose Spino, eighty years old, was found murdered early this morning in her bedroom in a third floor apartment on 2d avenue. Beside the body was a large jack knife, with which the crime had apparently been committed. A number of bloody finger prints on the knife handle furnished the only clue of the slayer, who gained entrance by means of the fire escape.

Bomb at Portuguese Consulate.

BADAJOS, Spain, July 31.—The Portuguese consul here, while entering the consulate today, discovered a bomb that had been placed in the doorway of the building.

# SIMON WILL RESIST

Haitian President Does Not Intend to Flee the Country.

TO DEFEND PORT AU PRINCE

Triumphal Progress of the Insurgents Checked.

DELAY ATTACK ON CAPITAL

Warships Being Hurried to the Island to Safeguard the Interests of Foreigners.

PORT AU PRINCE, Haiti, July 31.—Some excitement here today by an unfounded report of the embarkation of President Simon, who, on the contrary, has decided to oppose the revolutionists to the last. The government has organized a defense of the capital. The public continues alarmed and awaits with impatience the announced coming of ships of war representing the different nations. Gabriel Sylva, a cousin of the minister of the interior, was today made prefect of police in succession to Ferdinand, who after being accused of conspiring in the overthrow of the government, fled to the French legation to avoid arrest.

During the night several persons attempted incendiary, but were surprised and fired upon by military patrol under Sylva.

The ship 17 December arrived here today with her American crew, comprising forty-two men.

The revolutionists, who are now in the city and the government forces, are showing no intention of leaving their stronghold to drive the enemy away.

Check to the Insurgents.

The triumphal progress of the revolutionary forces in Haiti seems to have received a check, the cause of which is not revealed in current affairs received here from official and other sources. Based on reports received from Minister Furness and other officials in Haiti several days ago, it was assumed that Port au Prince, the Haitian capital, was doomed and that President Simon and the officers of his administration would find safety only in flight. Since then, however, there has been a practical cessation of hostilities, the revolutionary armies near the capital apparently being afraid to enter the city and the government forces showing no intention of leaving their stronghold to drive the enemy away.

Guarding Foreign Interests.

Meanwhile the United States government has taken vigorous measures to safeguard foreign interests in the troubled republic. Five American warships are now maintaining an efficient patrol of the Haitian coast and they will be re-enforced in a few days by the USS Oregon, the USS Albatross, the USS Albatross, and the German cruiser Bremen from Newport News.

This strong naval force assures ample protection to all foreign interests in Haiti, regardless of the result of the existing political crisis. In case of the success of the revolutionary movement and the overthrow of the Simon regime, it is probable that President Simon and personal staff will be accorded asylum and refuge in the United States, probably one of the foreign warships, probably one of the American fleet.

Foreigners Safe in Haiti.

"Americans and other foreigners are as safe in the most isolated parts of Haiti as they would be on 5th avenue, New York." This statement was made by Dr. Sannon, the Haitian minister here, in discussing the situation in Haiti. He declared that the revolutionists were not interested in asking the assistance of any foreign government in putting down the revolution, and declared that he would resist with the greatest energy the intervention of any foreign government in Haitian affairs.

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SHORTS WELCOMES WIFE.

Goes Down Bay to Greet Family Returning From Europe.

NEW YORK, July 31.—Theodore P. Shonts, president of the Interborough company, went down the bay on a revenue cutter today and greeted his family, returning from Europe, most affectionately. In the party were Mrs. Shonts and the two daughters, the Duchess de Chaumes and Miss Marguerite Shonts, and the infant Duke de Chaumes, whose father died a few months after his marriage.

Mr. Shonts declined to discuss his family matters further than to say that he had gone down the bay to meet his whole family, but Mrs. Shonts, when asked concerning the report of a separation, emphatically declared: "The report has been denied already by my attorney. That should be sufficient."

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# ATTORNEY GENERAL DENIES STATEMENTS BY ALASKAN DELEGATE.

Committee Members Regard "Proofs" of Charges as Insufficient.

LITTLETON IS EMPHATIC

Committee to Decide Whether to Ask House for Authority to Continue Inquiry.

With Attorney General Wickham and Delegate Wickersham of Alaska facing each other, the delegate was sharply criticized in the House judiciary committee today for alleged insufficiency of what the delegate declared was proof of the Attorney General "did purposely shield and defend Alaska syndicate criminals against punishment."

Representative Sterling suggested that Delegate Wickersham's charges indicated only failure of the Department of Justice to prosecute.

"Oh, he has gone way beyond that," interrupted Attorney General Wickham.

"Yes," said Delegate Wickersham, "I insist there was a deliberate attempt to protect."

The delegate declared that United States Marshal H. K. Love, who figured in the Cunningham coal land case, had discharged a deputy named Howe, who was also jailed at Kodiak, because he "wouldn't give up the graft."

"He wouldn't pay Love \$100 a month out of what he received for the board of prisoners," the delegate explained.

Reads a Long Brief.

Delegate Wickersham read to the committee a long brief presenting his case. He charged before the committee that the Attorney General "purposely did shield and defend Alaska syndicate criminals from punishment for crimes against the government," and that he "refused to prosecute them for fraud and perjury committed in robbing the government treasury and permitted the statute of limitations to run in their favor."

"Noting," said Wickersham, "that I had completed his discussion of one of the alleged frauds concerning which he presented evidence to the Attorney General,